

2005 ASSEMBLY BILL 966

1 **AN ACT** *to amend* 346.01 (2); and *to create* 346.675 and 346.74 (6) of the statutes;
2 **relating to:** vehicle owner liability for violations arising from the failure to stop
3 at the scene of an accident and providing a penalty.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 346.01 (2) of the statutes is amended to read:

5 346.01 (2) In this chapter, notwithstanding s. 340.01 (42), “owner” means, with
6 respect to a vehicle that is registered, or is required to be registered, by a lessee of
7 the vehicle under ch. 341, the lessee of the vehicle for purposes of vehicle owner
8 liability under ss. 346.175, 346.195, 346.205, 346.452, 346.457, 346.465, 346.485,
9 346.505 (3), 346.675, and 346.945.

10 **SECTION 2.** 346.675 of the statutes is created to read:

ASSEMBLY BILL 966**SECTION 2**

1 **346.675 Vehicle owner's liability for failing to stop at the scene of an**
2 **accident.** (1) Subject to s. 346.01 (2), the owner of a vehicle operated in the
3 commission of a violation of s. 346.67 (1), 346.68, or 346.69 shall be liable for the
4 violation as provided in this section.

5 (2) Any person who observes a violation of s. 346.67 (1), 346.68, or 346.69 may,
6 within 24 hours after observing the violation, report the violation to a traffic officer
7 of the county or municipality in which the violation occurred. If possible, the report
8 shall contain the following information:

9 (a) A description of the violation alleged.

10 (b) The time and the approximate location at which the violation occurred.

11 (c) The vehicle registration number and color of all vehicles involved in the
12 violation.

13 (d) Identification of each vehicle involved in the violation as an automobile,
14 station wagon, motor truck, motor bus, motorcycle, or other type of vehicle.

15 (e) If the violation included damage to property other than a vehicle, a
16 description of such property.

17 (3) (a) Within 72 hours after receiving a report containing all of the information
18 in sub. (2), the traffic officer may investigate the violation and, after verifying the
19 information provided under sub. (2) (c) to (e) and determining that there is probable
20 cause to believe that a violation of s. 346.67 (1), 346.68, or 346.69 has occurred, may
21 prepare a uniform traffic citation under s. 345.11 and personally serve it upon the
22 owner of the vehicle being operated in the commission of the violation of s. 346.67 (1),
23 346.68, or 346.69.

24 (b) If with reasonable diligence the owner specified in par. (a) cannot be served
25 under par. (a), service may be made by leaving a copy of the citation at the owner's

ASSEMBLY BILL 966

1 usual place of abode within this state in the presence of a competent member of the
2 family at least 14 years of age, who shall be informed of the contents thereof.

3 (c) If with reasonable diligence the owner specified in par. (a) cannot be served
4 under par. (a) or (b) or if the owner specified in par. (a) lives outside of the jurisdiction
5 of the issuing authority, service may be made by certified mail addressed to the
6 owner's last-known address.

7 **(4)** (a) Except as provided in par. (b), it shall be no defense to a violation of this
8 section that the owner was not operating the vehicle at the time of the violation.

9 (b) The following are defenses to a violation of this section:

10 1. That a report that the vehicle was stolen was given to a traffic officer before
11 the violation occurred or within a reasonable time after the violation occurred.

12 2. If the owner of the vehicle, including a lessee specified in subd. 3., or a person
13 on a trial run specified in subd. 4. provides a traffic officer with the name and address
14 of the person operating the vehicle at the time of the violation and sufficient
15 information for the officer to determine that probable cause does not exist to believe
16 that the owner of the vehicle was operating the vehicle at the time of the violation,
17 then the person operating the vehicle shall be charged under s. 346.67 (1), 346.68,
18 or 346.69 and the owner, including a lessee, or person on a trial run shall not be
19 charged under this section.

20 3. Subject to subd. 2., if the vehicle is owned by a lessor of vehicles and at the
21 time of the violation the vehicle was in the possession of a lessee, and the lessor
22 provides a traffic officer with the information required under s. 343.46 (3), then the
23 lessee and not the lessor shall be charged under this section.

24 4. Subject to subd. 2., if the vehicle is owned by a dealer as defined in s. 340.01
25 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the

ASSEMBLY BILL 966**SECTION 2**

1 time of the violation the vehicle was being operated by any person on a trial run, and
2 if the dealer provides a traffic officer with the name, address, and operator's license
3 number of the person authorized to operate the vehicle on the trial run, then this
4 person, and not the dealer, shall be charged under this section.

5 5. That another person has been convicted under s. 346.67 (1), 346.68, or 346.69
6 for the violation of s. 346.67 (1), 346.68, or 346.69 specified in sub. (1).

7 **SECTION 3.** 346.74 (6) of the statutes is created to read:

8 346.74 **(6)** (a) A vehicle owner or other person found liable under s. 346.675
9 with respect to a violation of s. 346.67 (1) may be required to forfeit not more than
10 \$1,000.

11 (b) A vehicle owner or other person found liable under s. 346.675 with respect
12 to a violation of s. 346.68 or 346.69 may be required to forfeit not more than \$100.

13 (c) Imposition of liability under s. 346.675 shall not result in suspension or
14 revocation of a person's operating privilege under s. 343.30 or 343.31, nor shall it
15 result in demerit points being recorded on a person's driving record under s. 343.32
16 (2) (a).

17 **(END)**